

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
HUNTINGTON DIVISION**

JONATHAN R., *et al.*,

Plaintiffs,

v.

JIM JUSTICE, in his official capacity as
Governor of West Virginia, *et al.*,

Defendants.

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Case No. 3:19-cv-00710

**DEFENDANTS' NOTICE OF SUPPLEMENTAL AUTHORITY IN SUPPORT OF
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

Defendants file this notice of supplemental authority in support of their Motion for Summary Judgment. *See* ECF Nos. 533, 535. Attached as Exhibit A is *Johnson v. Becerra*, which is a U.S. Court of Appeals for the District of Columbia Circuit decision affirming a motion to dismiss a putative class action on the ground that Plaintiffs had not alleged sufficient facts to prove the redressability element of standing. *See -- F.4th --*, No. 23-5128, 2024 WL 3732956 (D.C. Cir. Aug. 9, 2024).

The D.C. Circuit's analysis in *Johnson* (pages 5 through 12) supports Defendants' argument that Plaintiffs lack standing because they cannot prove that the relief they seek from this Court would redress their alleged injuries, *see* ECF No. 535, at 29-30.

Defendants respectfully request that the Court consider this supplemental authority when rendering its decision regarding Defendants' Motion for Summary Judgment.

August 19, 2024

Respectfully submitted,

/s/ Philip J. Peisch

Philip J. Peisch (WVSB # 13731)

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CERTIFICATE OF SERVICE

I, Philip J. Peisch, hereby certify that I caused a true and correct copy of the foregoing Defendants' Notice of Supplemental Authority in Support of Defendants' Motion for Summary Judgment to be delivered to the following via ECF notification:

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